IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.303 of 2005
Date of decision: October 16, 2006.

Ravinder Kumar

...**Petitioner(s)**

v.

Shri Naresh Chaudhary & Anr.

...**Respondent(s)**

Present: Shri Surender Singh, Advocate for
Shri S.S. Dalal, Advocate for the petitioner.

Shri V.P. Goyal, Advocate for the respondents.

Surya Kant, J. (Oral)

The petitioner was appointed as a Clerk in the Rohtak District Cooperative Labour & Construction Federation Ltd. However, upon constitution of a common cadre, his services were terminated on the premise that he did not possess the requisite qualifications. The said termination order was set aside by the Deputy Registrar, Cooperative Societies, Rohtak vide his order dated 16.5.1983 which he passed after entertaining an appeal from the petitioner. Thereafter, the petitioner filed CWP No.1363 of 1984 for implementation of the above said order. His writ petition was finally allowed by this court vide order dated 25.8.2004 and the concerned authorities were directed to give effect to the order dated 16.5.1983 passed by the Deputy Registrar, Cooperative Societies. The petitioner was also held entitled to all the consequential benefits except that his back wages

were restricted to 25% only.

Alleging non-compliance of the above said order passed by this Court, this contempt petition has been filed.

In response to the show cause notice, the first respondent has filed his affidavit. Along with the affidavit, copy of the order dated 25.10.2005 has also been appended as Annexure R-3. As per the averments made in the affidavit and the above said order, the petitioner has already been reinstated in service and 25% back wages have also been paid. His pay has also been refixed on the basis of his notional reinstatement.

It appears that during the interregnum, the petitioner's juniors have been further promoted. Shri V.P. Goyal, learned counsel representing the respondents, states that since 4 years service is required to become eligible for promotion as an Assistant, the petitioner's case shall be considered immediately on completion of four years of service as Clerk by him.

From the above noted facts, it is apparent that the directions issued by this court have been substantially complied with, and the stand taken by the respondents with regard to promotion of the petitioner as an Assistant, also appears to be fair and reasonable. Consequently, this petition is disposed of with a direction to the respondents that immediately on completion of 4 years of requisite service, the case of the petitioner for promotion as Assistant shall be considered as per law.

Disposed of.

Rule discharged.

October 16, 2006. [**Surya Kant**]
kadyan **Judge**